

**Application No.:** 10/623,193  
**Filing Date.:** July 18, 2003

## **REMARKS**

In response to the Final Office Action mailed August 2, 2007, the Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

### **Interview Summary**

Applicants would like to thank Examiner Ramana for providing Applicants with an explanation regarding the Advisory Action. An Interview Summary is provided with this Amendment.

### **Status of case and Amendments**

As noted above, this case is currently under a Final Office Action. On November 2, 2007, Applicants filed an Amendment after Final. In an Advisory Action dated November 21, 2007, Applicants were informed that the November 2, 2007 Amendment after Final was not entered because it included "additional claims without canceling a corresponding number of finally rejected claims." As noted in the Interview Summary, Applicants' representative contacted the Examiner to clarify the reasons for refusing entry of the Amendment after Final. In response, Applicants are submitting this Second Amendment after Final, which addresses the Examiner's concerns.

### **Allowed Subject Matter**

Applicants gratefully acknowledge the allowance of Claims 44-72. The Examiner also indicated that Claims 32-34 and 42 would be allowed if rewritten into independent form including all of the limitations of the base claim and any intervening claim.

In this amendment, all of the limitations of Claim 32 ("separating and removing the second portion from the first portion after the proximal anchor is advanced distally along the fixation device") along with intervening Claim 31 ("the first and second portion of the body detachably coupled to each other at a junction") have been incorporated into independent Claim 18. Claims 31 and 32 have accordingly been canceled without prejudice. Claims 33 and 34 originally depended upon Claim 32 and have been amended such that they now depend upon Claim 18. Claims 19-22, 26, 35-41 and 43 originally depend upon Claim 18. As Claim 18 is now in condition for allowance, Applicants respectfully submit that, for at least this reason, Claims 19-22, 26, 33-41 and 43 are also in condition for allowance.

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With respect to Claim 42, this claim originally dependent upon independent Claim 18. In this amendment, the limitations of Claim 18 have been added to Claim 42, which is now in independent form. Accordingly, Applicants submit that Claim 42 is in condition for allowance.

**Claim Rejections**

In the August 2, 2007 Final Office Action, Claims 18-23, 26, 31, 35-41 and 43 stand rejected as being unpatentable over U.S. Patent No. 5,527,312, issued to Ray, in view of U.S. Patent No. 5,569,248, issued to Mathews (hereinafter "Ray in view of Mathews").

**Withdrawn Claims**

Claims 25 and 27 stand withdrawn in response to a restriction requirement. These claims depend upon generic allowable Claim 18 and Applicants respectfully request that these claims be considered and allowed.

**Information Disclosure Statement**

Applicants note the comments regarding the IDS filed on September 19, 2007 and requests that the IDS be placed in the file. Applicants also note that the September 19, 2007 IDS incorrectly states that the present application claims priority to the patent applications listed in the IDS.

**Co-Pending Applications of Assignee**

Applicants wish to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

<b>Serial Number</b>	<b>Title</b>	<b>Filed</b>
11/199516	PROXIMAL ANCHORS FOR BONE FIXATION SYSTEM	8/8/2005
11/444103	LOCKING PLATE FOR BONE ANCHORS	5/31/2006
10/7609671	DEPLOYMENT TOOL FOR DISTAL BONE ANCHORS WITH SECONDARY COMPRESSION	3/1/04
10/7906670	TOOL FOR BONE FIXATION	3/1/04
11/623270	METHOD AND APPARATUS FOR SPINAL FIXATION	1/15/07
11/623290	METHOD AND APPARATUS FOR SPINAL FIXATION	1/15/07
11/099431	PROXIMAL ANCHORS FOR BONE FIXATION SYSTEM	4/5/05
11/036781	GUIDANCE SYSTEM FOR SPINAL STABILIZATION	1/14/05

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11/056991	METHOD AND APPARATUS FOR SPINAL STABILIZATION	2/11/05
11/185442	METHOD AND APPARATUS FOR SPINAL STABILIZATION	7/20/05
11/296881	METHOD AND APPARATUS FOR SPINAL STABILIZATION	12/8/05
11/050975	METHOD AND APPARATUS FOR SPINAL FUSION	2/4/05
10/830631	METHOD AND APPARATUS FOR BONE FIXATION WITH SECONDARY COMPRESSION	4/23/04

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

Applicants respectfully submit that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the Applicants' attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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